
Appeal Decision

Site visit made on 28 March 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 April 2017

Appeal Ref: APP/U5360/W/16/3162866

Ground floor, first floor and attic floor flat, 31 Poole Road, Hackney, London E9 7AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Kirby Swales against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/3094, dated 17 August 2016, was refused by notice dated 11 October 2016.
 - The development proposed is roof extensions to rear return to convert the loft space into a bedroom and separate WC.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the proposal preserves or enhances the character or appearance of the Victoria Park Conservation Area.

Reasons

3. The appeal site is a mid-terrace residential property which is situated in a uniform terrace of similar Victorian houses in a mainly residential part of the Victoria Park Conservation Area. The property is divided into two flats and this appeal relates to the upper ground floor, first and second (attic) floors.
 4. This part of the Conservation Area is characterised by rows of terraced properties with painted stucco window and door surrounds, front bay windows and an attractive uniform roof line. The terraces form a particularly visually attractive residential environment.
 5. As required by Paragraph 132 of the National Planning Policy Framework (the Framework), in determining this appeal I attach great weight to the desirability of preserving or enhancing the character or appearance of the Victoria Park Conservation Area within which the site is located.
 6. The proposed flat roof extension to the existing pitched roof of the three storey outrigger would have a poor relationship with the existing form of the building. There is little evidence that the proposal has been designed with an appreciation of the distinctive local character or the architectural integrity of the host building and the terrace of which is part. The proposed slate cladding would contrast with the existing external brick walls and draw further attention
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to the structure. As a consequence of its elevated position it would be a prominent and discordant feature at odds with the established roof form of residential properties in the immediate locality and in the surrounding Conservation Area.

7. The proposal would be situated to the rear of the property and would not be visible from the front. However, it would be a visually prominent and intrusive feature from properties either side and to the rear and would be seen as an obtrusive extension to the property, incongruous with its surroundings. Therefore, it would be harmful to the character and appearance of the host property and the Conservation Area in which it is situated.
8. The appellant contends that the rear elevation of the terrace is unique, is already broken up by other extensions and a roof terrace. At my site visit I observed other similar style flat roof extensions to the rear of Poole Road. However, I understand from the Council that these do not benefit from planning permission. Furthermore, these serve to illustrate the harm that can be done to the character and appearance of a Conservation Area by poorly conceived and implemented developments. Therefore, I do not consider that they should be given any positive weight in the determination of this current appeal.
9. The appellant also argues that due to the layout of the existing property the proposal could be replicated elsewhere in the vicinity. However, from my observations on site it appears that similar proposals could be implemented elsewhere to the further detriment of the character and appearance of the Conservation Area. In any case I have determined this case on its own merits.
10. Given the scale of the proposal within the context of the Conservation Area as a whole, I consider that it would cause less than substantial harm to its character and appearance. In accordance with paragraph 134 of the Framework, I must weigh the harm against the public benefits of the proposal.
11. In this case specific benefits that may arise from the development have not been demonstrated. I recognise that the extension would allow the appellant to extend his property to meet the needs of his family and may allow the family to continue to live in the area where they have established relationships with others and where they have good access to services. There may be some small economic and social benefits associated with construction activity and the provision of a larger dwelling. However, these do not, in my judgment, outweigh the harm that I have found.
12. For these reasons, I conclude that the proposal would fail to preserve or enhance the character or appearance of Victoria Park Conservation. As such it would conflict with the character, design and heritage provisions of Policies 7.4, 7.6 and 7.8 of the London Plan March 2016, Policies 24 and 25 of the Core Strategy Hackney's Strategic Plan for 2010-2025 (November 2010), Policies DM1 and DM28 of the Development Management Local Plan (July 2015) and guidance in the Supplementary Planning Document Residential Extensions and Alterations (April 2009). These seek to ensure that new development recognises distinctive local character, contributes towards creating places of high architectural design appropriate to its context, conserves and enhances the character and appearance of conservation areas and enriches and enhances Hackney's built environment.

Conclusion

13. Therefore, for the reasons given above and taking into account other matters raised I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed.

Alastair Phillips

INSPECTOR